



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: April 23, 2020
Comment Deadline: May 26, 2020
Corps Action ID Number: SAW-2018-00986

The Wilmington District, Corps of Engineers (Corps) has received an application from the North Carolina Department of Transportation (NCDOT) regarding a potential future requirement for Department of the Army (DA) authorization to discharge dredged or fill material into waters of the United States associated with the proposed Wilson Road Improvement TIP No. R5763, in Brevard, Transylvania County, North Carolina.

Specific alignment alternatives and location information are described below and shown on the attached maps. This Public Notice and attachments are also available on the Wilmington District Web Site at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: North Carolina Department of Transportation (NCDOT)
Project Development and Environmental Analysis
Attn: Mr. Barry Mosteller.
253 Webster Road
Sylva, North Carolina 28779

Authority

The Corps will evaluate this application to compare alternatives that have been carried forward for detailed study pursuant to applicable procedures of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).

In order to more fully integrate Section 10 and Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps is soliciting public comment on the merits of this proposal and on the alternatives. At the close of this comment period, the District Commander will evaluate and consider the comments received, as well as the expected adverse and beneficial effects of the proposed road construction, to select the least environmentally damaging practicable alternative (LEDPA). The District Commander is not authorizing construction of the proposed project at this time. A final DA permit may be issued only after our review process is complete, impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan for unavoidable impacts has been approved.

Location

The proposed project is located along Wilson Road starting at the intersection of US 276 and Wilson Rd extending 3.7 miles north to terminate at the intersection of Old US 64/Old Hendersonville Hwy and Wilson Road in Brevard, Transylvania County, North Carolina. The proposed project is designated as State Transportation Improvement Program (STIP) as project number R-5763.

Project Area (acres): 3.7 miles

Nearest Town: Brevard

Nearest Waterway: French Broad

River Basin: French Broad-Holston

Latitude and Longitude: 35.2321342400247N, -82.7054457432113W

Existing Site Conditions

Within the project study area, Wilson Road is a two-lane facility connecting US 276 and Old US 64/Old Hendersonville Highway, a distance of approximately 3.7 miles. Wilson Road is located east of Brevard and serves as a bypass around the city in conjunction with Ecusta Road, connecting US 276 to US 64 (to the east)/US 276 (to the west) north of Brevard. The posted speed limit is 40 mph. The Land of Sky Regional Planning Organization (RPO) currently classifies Wilson Road as a Major Collector; however, the roadway does not currently meet the design standards for this classification. Wilson Road is included as part of each of the six bicycle routes listed by the City of Brevard. Transylvania County has designated Old US 64/Old Hendersonville Highway as County Bicycle Route 1.

Land use along Wilson Road is predominantly rural, with the French Broad River and farmland along the western side of the road and houses and subdivisions upslope along the eastern side. Wilson Road lies along the eastern edge of the French Broad River floodplain for much of its alignment; the French Broad River follows a sinuous path and is immediately adjacent to Wilson Road in two locations for approximately 1.0 mile and 0.25 miles, respectively. These sections lie within the FEMA designated 100-year floodplain of the French Broad River. Where the river diverges from the road, agricultural fields are adjacent to the road and within the floodplain. Wilson Road crosses the French Broad River at the northern end of the project, approximately 0.25 mile south of its intersection with Old US 64/Old Hendersonville Highway. Subdivisions, including Knob Creek, Middlemount, and Glen Cannon, are also located to the east of Wilson Road. Single-family homes, including some manufactured houses, are located between the French Broad River bridge crossing and the intersection of Wilson Road with Old US 64/Old Hendersonville Highway. In addition, there are several business and retail locations as well as a U.S. Post Office on Old US 64/Old Hendersonville Highway between the Wilson Road and Ecusta Road intersections.

Flooding

Sections of Wilson Road are located within the 50-year floodplain of the French Broad River. Consequently, sections of Wilson Road flood during 10-year and 50-year flood events, making the road impassable to residents, those traveling to or from businesses, and to the City of Brevard's wastewater treatment plant (WWTP). The WWTP is located near the northern terminus of the project at 3226 Wilson Road, Pisgah Forest.

The NCDOT-Division 14 County Maintenance Engineer noted that the road is flooded, particularly at the northern terminus, four to five times per year. In addition, during recent flooding events, the French Broad River has undercut the roadway in areas that are immediately adjacent to the river, requiring repairs to the facility.

Safety Concerns

A crash analysis of the Wilson Road corridor was conducted during the Feasibility Study utilizing crash data provided by the NCDOT Traffic Safety Unit for a five-year period from October 1, 2010 to September 30, 2015.

Between October 2010 and September 2015, a total of 75 crashes were reported along Wilson Road. Of the 75 total crashes in the study area during the five-year period, none were fatal and 22 reported non-fatal injuries. Between October 2010 and September 2015, a total crash rate of 384.35 per 100 million vehicle miles traveled (MVMT) was reported in the study area. The total crash rate for Wilson Road is higher than the total critical crash rate of 253.10 for rural secondary roads identified by NCDOT

Water Resources

Williamson Creek, within the study area, has been designated as a High Quality Water (HQW) and Trout Water (Tr) from its source to the French Broad River. There are no Outstanding Resource Waters (ORW) or Water Supply Watersheds (WS-I or WS-II) within, or within 1.0 mile downstream, of the study area. The North Carolina 2014 Final 303(d) list of impaired waters identifies no waters within, or within 1.0 mile, of the study area as impaired. The 2018 Final 303(d) list of impaired waters lists Nicholson Creek, within 1.0 mile upstream of the study area, as an impaired water due to a fair benthos bioclassification.

All watersheds in Transylvania County are identified as trout watersheds. Within the study area, NCDWR identifies Williamson Creek, and an unnamed tributary to Williamson Creek as trout waters. Therefore, these streams are subject to the trout buffer requirements under NC Department of Environmental Quality (NCDEQ), Division of Energy, Minerals, and Land Resources (DEMLR).

No waters within the study area have been identified as anadromous fish habitat.

The French Broad River is a Navigable Water under Section 10 of the Rivers and Harbors Act.

Applicant’s Stated Purpose

The purpose of this project is to bring the roadway out of the 2 percent annual chance (50-year) floodplain of the French Broad River and address facility deficiencies throughout the corridor, bringing the road up to minimum design standards.

Project Need:

Currently, Wilson Road is flooded by 10-year and 50-year flood events, during which time the road is impassable to residents, those traveling to or from businesses, and to the City of Brevard’s wastewater treatment plant (WWTP).

In addition, Wilson Road exceeds the statewide and critical crash rates for similar roadways in non-fatal injury and wet crashes.

Project Description

The North Carolina Department of Transportation (NCDOT) proposes to upgrade Wilson Road, moving it out of the 50-year floodplain associated with the French Broad River and improving the safety of Wilson Road. NCDOT proposes to realign Wilson Road to directly intersect Ecusta Road on a new location with a new bridge over the French Broad River.

Detailed Study Alternatives

One build alternative and the no-build alternative were selected as detailed study alternatives. Figures 2A-2F show the build alternative. The following is a brief description of each alternative:

The **No-Build Alternative** would neither raise the road out of the 50-year floodplain nor would it address the facility deficiencies and represents an alternative where no construction will occur to provide a basis for comparing adverse impacts and benefits of the detailed study alternative.

The **Build Alternative** would raise the roadway out of the 50-year floodplain, and horizontal and vertical deficiencies in the roadway would be corrected to meet current minimum design standards. The bridge over Williamson Creek would be replaced on a new location, as shown in Figures 2A through 2F.

Wilson Road would be realigned, beginning approximately 0.4 miles south of the northern terminus, near the Brevard Wastewater Treatment Plant, on a new location to connect with Ecusta Road. A replacement bridge would be built on new alignment over the French Broad River, as shown in Figure 2F. It is expected that to meet the purpose of moving Wilson Road out of the 50-year floodplain, and the bridge will exceed 1,000 feet in length. The existing portion of Wilson Road will be terminated north of the river but allow access to homes, businesses, and the NC Wildlife Resource Commission boat access.

The proposed typical section for the Build Alternative is two 12-foot travel lanes and 8-foot shoulders on each side (4 feet of each shoulder would be paved, with 4 feet of grass shoulder beyond the pavement). The proposed typical section of the bridge would maintain the two 12-foot lanes with 8-foot shoulders.

Impacts to waters of the United States for the Build Alternative include approximately 3,190 linear feet of streams, 0.35 acre of wetlands, 0.05 acre of surface water (ponds), and 350 linear feet of surface waters (tributaries) when calculated using slope stake limits plus an additional 25 feet.

Avoidance, Minimization, and Compensatory Mitigation

Through the development of the preliminary designs within the detailed study alternatives, NCDOT has attempted to avoid impacts to streams and wetlands to the greatest practicable extent. This included developing alignments that avoided these resources as much as possible, while also minimizing impacts to other resources. NCDOT will continue to seek ways to prevent and reduce impacts in further design efforts.

Cultural Resources

Historic Architectural Resources

Pursuant to the requirements of Section 106 of the NHPA, an initial, project field survey, identified three resources eligible for listing on the National Register of Historic Places (NRHP) within the project study area. The NC Historic Preservation Office will make an effects determination on the Glen Cannon Country Club and Mary and Albert Jenkins House. There will be no impacts and therefore no effect to the US Post Office.

Archeological Resources

An intensive archaeological survey and evaluation for the proposed project was conducted from August 13 to September 14, 2018. The survey identified 12 previously unidentified archaeological resources within the project area of potential effect, including four sites, a historic period family cemetery, and seven isolated finds. All 12 of the identified resources are recommended not eligible for the NRHP under all four NRHP criteria. The cemetery is protected by North Carolina state statutes and will be avoided by the project.

Endangered Species

As of November 13, 2019, the United States Fish and Wildlife Service (USFWS) lists 11 federally protected species under the ESA for Transylvania County (Table 1). A brief description of the species' habitat requirements follows, along with the Biological Conclusion rendered based on survey results in the Study Area. Habitat requirements for the species are based on the current best available information from referenced literature and/or USFWS.

Table 1. ESA federally protected species listed for Transylvania County.

Scientific Name	Common Name	Federal Status	Habitat Present
<i>Glyptemys muhlenbergii</i>	Bog turtle	T(S/A)	No
<i>Glaucomys sabrinus coloratus</i>	Carolina northern flying squirrel	E	No
<i>Myotis grisescens</i>	Gray bat	E	Yes
<i>Myotis septentrionalis</i>	Northern long-eared bat	T	Yes
<i>Alasmidonta raveneliana</i>	Appalachian elktoe	E	Yes

Scientific Name	Common Name	Federal Status	Habitat Present
<i>Bombus affinis</i> ¹	Rusty-patched bumble bee	E	Yes
<i>Sarracenia rubra ssp. jonesii</i>	Mountain sweet pitcherplant	E	No
<i>Isotria medeoloides</i>	Small whorled pogonia	T	Yes
<i>Helonias bullata</i>	Swamp pink	T	No
<i>Spiraea virginiana</i>	Virginia spiraea	T	Yes
<i>Gymnoderma lineare</i>	Rock gnome lichen	E	No

¹The USFWS does not and will not require surveys for rusty-patched bumble bee (RPBB) in North Carolina because USFWS assumes the state is unoccupied by RPBB.

Appalachian Elktoe

The Appalachian elktoe is known from the French Broad River watershed in North Carolina. Appropriate habitat for the Appalachian elktoe is present within the study area within the French Broad River and potential habitat is present in Williamson Creek. Mussel surveys conducted in summer 2018 identified multiple specimens of the species in the French Broad River throughout most of the study area. Due to the presence of this species and the potential for project-related jurisdictional impacts to the French Broad River, this project will require formal USFWS Section 7 consultation. A Biological Assessment (BA) is currently being developed as part of the Section 7 Consultation process and will be submitted to agencies when completed. Information related to the above surveys will be included in that report. It is anticipated that this species will have a Biological Conclusion of “May Affect, Likely to Adversely Affect”, but the conclusion will currently remain as “Unresolved” until the BA and subsequent USFWS Biological Opinion (BO) are complete.

Northern Long-eared Bat (NLEB)

Habitat for the Northern long-eared bat is present within the study area. This habitat consists of the Wilson Road bridges over the French Broad River and Williamson Creek, in addition to large culverts and forested areas throughout the study area. A review of the January 2018 NCNHP records on March 6, 2018, indicates no known northern long-eared bat occurrences within 1.0 mile of the study area.

Since this project is state funded, the USACE will act as the lead federal agency for issues related to the northern long-eared bat; therefore, the Section 4(d) Rule does not apply. The USACE has developed a Standard Local Operating Procedure for Endangered Species (SLOPES) to address NLEB when they are the lead agency, which NCDOT will follow for this project. This procedure applies to projects in NCDOT Divisions 9-14. The requirements of the SLOPES for NLEB will be completed prior to Let and will be submitted to the USACE.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Compensatory Mitigation

The purpose of compensatory mitigation is to offset unavoidable functional losses to the aquatic environment resulting from project impacts to waters of the United States. NCDOT will investigate potential on-site stream and wetland mitigation opportunities once a preferred alternative has been chosen. If on-site mitigation is not feasible, or a sufficient amount of mitigation is not available on-site, mitigation will be provided by the NC Division of Mitigation Services (NCDMS).

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to select the least environmentally damaging practicable alternative (LEDPA) for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of a Corps of Engineers Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, May 26, 2020. Written comments should be submitted to Ms. Crystal Amschler, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006, telephone 828-271-7980, ext. 4231. Written comments can also be submitted by email to crystal.c.amschler@usace.army.mil.